

HOUSE BILL REPORT

SSB 6339

As Passed House - Amended:

March 3, 2008

Title: An act relating to address confidentiality of victims of trafficking.

Brief Description: Providing for address confidentiality of victims of trafficking.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Swecker, Hargrove, Regala, Fraser, Marr and Kauffman).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/20/08, 2/22/08 [DPA].

Floor Activity:

Passed House - Amended: 3/4/08, 95-0.

Brief Summary of Substitute Bill (As Amended by House)

- Makes victims of trafficking eligible for the Address Confidentiality Program.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz, Liias, Miloscia and Ormsby.

Staff: Tracey Taylor (786-7196).

Background:

The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault, or stalking to have an alternative address designated as his or her substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of a victim.

In order to become a participant in the ACP, a person must submit an application to the Secretary of State (Secretary). The Secretary must approve any application that includes:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- a sworn statement from the applicant that he or she is a victim of domestic violence, sexual assault, or stalking, and fears for his or her safety or the person's children's safety;
- a designation of the Secretary as the applicant's agent for purposes of service of process and receipt of mail;
- the mailing address and phone number where the applicant can be contacted by the Secretary;
- the address that the applicant requests be kept confidential; and
- the applicant's signature.

Applicants are certified as ACP participants for four years, subject to renewal, withdrawal, or invalidation.

An ACP participant who is qualified to vote may apply to receive ongoing absentee ballots for all elections in the jurisdiction for which that participant resides. The county auditor (auditor) is required to send absentee ballots to the participant at the address designated by the participant in his or her absentee ballot application. The auditor may not release the participant's address pursuant to a public records request except when the request is by a law enforcement agency or pursuant to court order. The name and address of an ACP participant is excluded from any list of registered voters available to the public. Other than the alternate address designated by the Secretary, information in the participant's file is not subject to disclosure except in the following circumstances: the request is made by a law enforcement agency or directed by court order, or for purposes of verifying that a person is a participant in the ACP.

The Secretary may cancel a person's participation in the ACP if the participant's residential address changes and he or she fails to give the Secretary at least seven days notice of the address change, or if mail forwarded by the Secretary to the participant is returned as non-deliverable. The Secretary must cancel a person's participation in the ACP if the participant changes his or her name or if the participant provides false information in the application.

Summary of Amended Bill:

Victims of trafficking are eligible for the Secretary's ACP, regardless of whether the crime has been reported to law enforcement.

"Trafficking" has the same meaning as in the state's current criminal code or as the definition of a "severe form of trafficking" under federal law.

Under the state's current criminal statute, RCW 9A.40.100, a person is guilty of trafficking in the first degree or second degree if such person recruits, harbors, transports, provides, or obtains by any means another person knowing that force, fraud, or coercion will be used to cause the person to engage in forced labor or involuntary servitude, or the person benefits financially or by receiving anything of value from participation in a venture that has engaged in acts involving: committing or attempting to commit kidnapping; a finding of sexual motivation; or result in death.

The federal statute, 22 USCS §7102(8), defines "severe forms of trafficking in persons" as sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such an act is not 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Human trafficking is the modern day equivalent to slavery. The victims are traumatized and fearful. Washington was the first state in the nation to address trafficking and begin to level the playing field for the victims of trafficking. There have been three task forces that have worked on issues relating to trafficking. The second task force recommended that victims of trafficking be added to the ACP. This will allow victims to begin to feel secure and confident again, which could make them more likely to participate in law enforcement efforts.

(Opposed) None.

Persons Testifying: Senator Kohl-Welles, prime sponsor; Megan Moreno, Office of the Secretary of State; Roni Hong, Tronie Foundation; Dave Johnson, Washington Coalition of Crime Victim Advocates; and Chris Johnson, Office of the Attorney General.

Persons Signed In To Testify But Not Testifying: None.